



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the Lodi Police Department to Participate in a Selective Traffic Enforcement Program Grant Funded by the Office of Traffic Safety and Appropriating Funds (\$18,326)

MEETING DATE: November 21, 2012

PREPARED BY: Chief of Police

RECOMMENDED ACTION: Adopt resolution authorizing the Lodi Police Department to participate in a Selective Traffic Enforcement Program Grant funded by the Office of Traffic Safety and appropriating funds (\$18,326).

BACKGROUND INFORMATION: Lodi has been selected to participate in a Distracted Driving High-Visibility Enforcement Demonstration Program. In this program the Lodi Police Department will enforce distracted driving violations (primarily talking and texting while driving) during three two-week mobilization periods.

By adopting this resolution, the Police Department will be eligible to receive \$18,326 in grant funding from Office of Traffic Safety (OTS) to develop and implement a traffic safety enforcement program to educate drivers and reduce fatal and injury collisions where the primary collision factor is driving while distracted.

To address distracted driving, the Police Department will deploy existing officers on weekdays during high traffic volume times for enforcement during the grant period.

With Council approval, the City of Lodi and State of California OTS will enter into an agreement that provides \$18,326 to the City to fund enhanced enforcement.

FISCAL IMPACT: This grant will allow the City to conduct needed enforcement without using any General Fund dollars.

FUNDING AVAILABLE: 2012/2013 DUI Selective Traffic Enforcement Program Grant (236019)

Handwritten signature of Jordan Ayers.

Jordan Ayers
Deputy City Manager/Internal Services Director

Handwritten signature of Mark Helms.

Mark Helms
Chief of Police

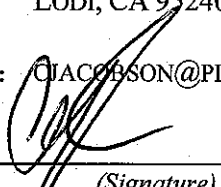
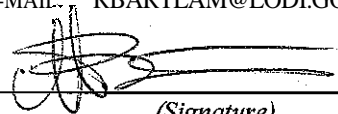
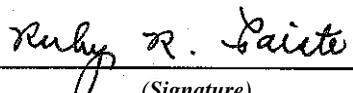
MH/CJ

Prepared by: Sergeant David Griffin

cc: City Attorney

APPROVED: _____

Handwritten signature of Konradt Bartlam.
Konradt Bartlam, City Manager

2. NAME OF APPLICANT AGENCY City of Lodi		4. GRANT PERIOD	
3. AGENCY UNIT TO HANDLE GRANT Lodi Police Department		From: 11/1/12 To: 9/30/13	
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$18,326.00			
The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none">• Page 2 (OTS-38a)• Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure• Schedule B (OTS-38d) – Budget Estimate and Sub-Budget Estimate (if applicable)• Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)• Schedule C (OTS-38g) – Quarterly Evaluation Data Form• Exhibit A – Federal Certifications and Assurances• Exhibit B* - OTS Grant Program Manual *Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at: www.ots.ca.gov/Grants/Grant Administration/Program Manual.asp .			
We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.			
7. APPROVAL SIGNATURES		B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY	
4. GRANT DIRECTOR		D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS	
NAME: CHRIS JACOBSON PHONE: 209-333-5517 TITLE: POLICE LIEUTENANT FAX: 209-333-6795 ADDRESS: 215 WEST ELM STREET LODI, CA 95240 E-MAIL: CJACOBSON@PD.LODI.GOV  (Signature) 11/06/12 (Date)		NAME: KONRADT BARTLAM PHONE: 209-333-6700 TITLE: CITY MANAGER FAX: 209-333-6807 ADDRESS: 221 WEST PINE STREET LODI, CA 95240 E-MAIL: RBARTLAM@LODI.GOV  (Signature) 11-6-12 (Date)	
C. FISCAL OR ACCOUNTING OFFICIAL			
NAME: RUBY PAISTE PHONE: 209-333-2591 TITLE: FINANCE MANAGER FAX: 209-333-6795 ADDRESS: 310 WEST ELM STREET LODI, CA 95240 E-MAIL: RPAISTE@LODI.GOV  (Signature) 11/6/12 (Date)			

SCHEDULE A**GRANT No: DD1331****GRANT DESCRIPTION****PAGE 1****PROBLEM STATEMENT**

In 2010, the National Highway Traffic Safety Administration (NHTSA) reported that 3,092 people were killed in crashes involving a distracted driver and an estimated additional 416,000 were injured in motor vehicle crashes involving a distracted driver. Eleven percent of all drivers under the age of 20 involved in fatal crashes were reported as distracted at the time of the crash. This age group has the largest proportion of drivers who were distracted.

In California, deaths due to hand-held cell phone use by drivers have dropped since a ban was enacted in July 2008 on hand-held cell phone use while driving. The analysis, conducted by the Safe Transportation Research and Education Center (SafeTREC) at the University of California, Berkeley, showed that, when looking at state crash records two years before and two years after the hand-held ban went into effect, overall traffic deaths declined 22 percent while hand-held cell phone driver deaths went down 47 percent. Similar results were shown for hands-free cell phone use as well as injuries in both categories. These results suggest that the law banning hand-held cell phone use while driving had a positive impact on reducing traffic fatalities and injuries.

However, during the April 2012 Distracted Driving Awareness Campaign, law enforcement agencies wrote more than 57,000 citations, up from 52,000 written during the April 2011 campaign. Similarly, California's Statewide Observational Survey of Cell Phone and Texting Use among California Drivers, shows an increase of drivers talking and texting at a combined rate of 7.3 percent in 2010 to 10.8 percent. More alarming is the 50 percent increase in drivers aged 18 – 24 from nine percent to 18 percent.

California Distracted Driving Statistics	2010	2011
Statewide Observational Survey of Cell Phone and Texting Use Among California Drivers	7.3 percent	10.8 percent
Statewide Observational Survey of Cell Phone and Texting Use Among California Drivers – Age 18-24	9 percent	18 percent
Biggest Safety Problem on California Roadways – Talking on a Cell Phone (Annual Traffic Safety Survey)	15.9 percent	20.3 percent
Most Serious Distraction for Drivers – (Annual Traffic Safety Survey)	61.9 percent	56.0 percent
Drivers Reporting Talking on a Hand-Held Cell Phone While Driving in the Last 30 Days – (Annual Traffic Safety Survey)	27.6 percent	22.2 percent
Drivers Reporting Texting or Emailing While Driving in the Last 30 Days – (Annual Traffic Safety Survey)	19.8 percent	14.1 percent

SCHEDULE A

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California Distracted Driving Statistics (continued)	2010	2011
Hand-held cell phone convictions	361,260	460,487
Texting convictions	7,924	14,886
Hand-held device by someone under age 18	904	732

PERFORMANCE MEASURES

GRANT GOALS

1. To reduce total traffic fatalities.
2. To reduce total traffic injuries.
3. To reduce fatal collisions involving drivers using hand-held cell phones.
4. To reduce injury collisions involving drivers using hand-held cell phones.
5. To decrease observed cell phone/texting use among Sacramento Valley Region drivers.

GRANT OBJECTIVES

1. To attend a Sacramento Valley Regional Distracted Driving Grants Training in November 2012.
2. To attend the kick-off media event on November 28, 2012.
3. To conduct roll call training prior to each enforcement wave.
4. To conduct high visibility enforcement targeting drivers who use a hand-held cell phone or text during the following mobilizations:
 - a. 4 during November 30 – December 9, 2012
 - b. 4 during February 25 – March 10, 2013
 - c. 4 during June 17 – June 30, 2013
5. To electronically submit requested data 14 days after each mobilization.
6. To submit overtime activity reports along with a quarterly claim invoice.

Media Objectives

- a) To issue template campaign press releases during each enforcement mobilization if requested by OTS.
- b) To use the following standard language in all press, media, and printed materials: "Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration."
- c) To use NHTSA's funding tag line, "Phone in One Hand. Ticket in the Other" in all press releases and media contacts.

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METHOD OF PROCEDURE

Phase 1 – Program Preparation (October 1, 2012 – November 30, 2012)

Attend a Sacramento Valley Regional Distracted Driving Forum in November. This meeting will include representatives from OTS, NHTSA, Preusser Research Group, participating law enforcement agencies, and other speakers. Grantees will be briefed on the details of the California Distracted Driving Demonstration program and receive earned media press release templates and data collection forms.

Develop operational plans to implement the enforcement mobilization operations.

Schedule roll call training for patrol and traffic units.

Send press release templates to the media announcing enforcement operations before each wave.

Attend the kick off media event on November 29, 2012.

Begin conducting first enforcement mobilization on November 30, 2012.

Phase 2 – Program Operations (December 1 – September 30, 2013)

Continue first mobilization enforcement through December 9, 2012.

Forward invoice claim to OTS for first mobilization by January 30, 2013.

Schedule roll call training, prepare press releases, schedule second and third mobilization enforcement operations, and forward invoice claims by April 30, 2013 and October 30, 2013.

Phase 3 – Data Gathering & Reporting – (Throughout Grant Period)

Collect data and submit electronically to OTS. A website will be set up to collect citation information, collisions associated with distracted driving, and the number of funded hours of operations.

METHOD OF EVALUATION

OTS and NHTSA will work closely with The Preusser Research Group (PRG) to assist in the evaluation efforts. PRG will collect, analyze, report and finalize the enforcement, public awareness, and survey data. The High Visibility Distracted Driving Enforcement Demonstration Study will be published by NHTSA in 2014.

SCHEDULE B
DETAILED BUDGET ESTIMATE
GRANT NO. DD1331

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
402 DD	20.600	STATE AND COMMUNITY HIGHWAY SAFETY

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	10/1/12 thru		
A. PERSONNEL COSTS				
Positions and Salaries				
<u>Overtime</u>				
1st Mobilization	20.600	\$5,380.00		\$5,380.00
November 30 - December 9, 2012				
2nd Mobilization	20.600	\$5,380.00		\$5,380.00
February 25 - March 10, 2013				
3rd Mobilization	20.600	\$5,380.00		\$5,380.00
June 17 - 30, 2013				
Grant Management	20.600	\$601.00		\$601.00
Benefits @ __ 9.47%	20.600	\$1,585.00		\$1,585.00
Category Sub-Total		\$ 18,326.00	\$ -	\$ 18,326.00
B. TRAVEL EXPENSE				
None			\$ -	\$ -
Category Sub-Total		\$ -	\$ -	\$ -
C. CONTRACTUAL SERVICES				
None				
Category Sub-Total		\$ -	\$ -	\$ -
D. EQUIPMENT				
None				
Category Sub-Total		\$ -	\$ -	\$ -
E. OTHER DIRECT COSTS				
None			\$ -	\$ -
Category Sub-Total		\$ -	\$ -	\$ -
F. INDIRECT COSTS				
None			\$ -	\$ -
Category Sub-Total		\$ -	\$ -	\$ -
GRANT TOTAL		\$ 18,326.00	\$ -	\$ 18,326.00

SCHEDULE B-1

GRANT NO. DD1331

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS:

Overtime

Budgeted enforcement and grant management activities will be conducted by agency personnel on an overtime basis. Grant funded operations may be conducted by personnel such as an Officer, Lieutenant, Sergeant, Corporal, Deputy, Community Services Officer, Dispatcher etc., depending on the titles used by the agency. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Grant management duties will include collection of statistical data for OTS reporting, assisting in claims preparation along with oversight of the grant activities.

Costs are estimated based on an overtime hourly rate range of \$30.70/hr to \$66.84/hr.

Overtime reimbursement (OT hourly rate and benefit) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

Maximum Overtime Benefit Rate

Workers Compensation	7.27%
Medicare	1.45%
Unemployment Insurance	.75%
Total Benefit Rate	9.47%

TRAVEL EXPENSE:

None

CONTRACTUAL SERVICES:

None

EQUIPMENT:

None

OTHER DIRECT COSTS:

None

INDIRECT COSTS:

None

PROGRAM INCOME:

There will be no program income generated from this grant.

EXHIBIT A

CERTIFICATIONS AND ASSURANCES

Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the Grant Agreement, certify by way of signature on the Grant Agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

The Grantee Agency will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The Grantee Agency shall actively encourage all relevant law enforcement personnel in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b) (1) (E))

Other Federal Requirements

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. (49 CFR 18.21)

The same standards of timing and amount, including the reporting of cash disbursement and balances, apply to grantees as they do the State. (49 CFR 18.41)

Failure to adhere to these provisions may result in the termination of State drawdown privileges.

Equipment acquired under this Grant Agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Grantee Agency; or the State, by formal agreement with appropriate

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officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The Grantee Agency will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

Federal Funding Accountability and Transparency Act

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; , and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards; and (II) \$25,000,000 or more in annual gross revenues from Federal awards; and (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq. PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights

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Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

The Drug-free Workplace Act of 1988 (41 U.S.C. 702;):

The Grantee Agency will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

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Buy America Act

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

Political Activity (Hatch Act)

The Grantee Agency will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Certification Regarding Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Grantee Agency official certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification Regarding Debarment And Suspension

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Grantee Agency official shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grantee Agency official shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters –
Primary Covered Transactions:**

1. The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such Grantee Agency official shall attach an explanation to this Grant Agreement.

Instructions for Lower Tier Certification

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1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency

EXHIBIT A
CERTIFICATIONS AND ASSURANCES

with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –
Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this Grant Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Grant Agreement.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee Agencies are encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving-
 - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or on behalf of the Government.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Grantee Agency official has reviewed the Grant Agreement and hereby declares that no significant environmental impact will result from implementing this traffic safety program. If, under a future revision, this program will be modified in such a manner that a program would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).

1. AA# _____
2. JV# _____

CITY OF LODI APPROPRIATION ADJUSTMENT REQUEST

TO: Internal Services Dept. - Budget Division
3. FROM: Chief Mark Helms 5. DATE: _____
4. DEPARTMENT/DIVISION: Police

6. REQUEST ADJUSTMENT OF APPROPRIATION AS LISTED BELOW

	FUND #	3115 UNIT #	ACCOUNT #	ACCOUNT TITLE	AMOUNT
SOURCE OF FINANCING	236	236019	5604	Office of Traffic Safety Special Enforcement Grant	\$ 18,326.00
B. USE OF FINANCING	236	236019	7102	Overtime and staff expenses	\$ 18,326.00

7. REQUEST IS MADE TO FUND THE FOLLOWING PROJECT NOT INCLUDED IN THE CURRENT BUDGET

Please provide a description of the project, the total cost of the project, as well as justification for the requested adjustment. If you need more space, use an additional sheet and attach to this form.

Designated funds will cover staff overtime to conduct three two-week mobilization periods for distracted driving traffic enforcement operations. Grant funds are also allocated to cover the cost of grant mandated training for staff and grant management.

If Council has authorized the appropriation adjustment, complete the following:

Meeting Date: _____ Res No: _____ Attach copy of resolution to this form.

Department Head Signature: Mark Helms

8. APPROVAL SIGNATURES

Deputy City Manager/Internal Services Manager _____ Date _____

Submit completed form to the Budget Division with any required documentation
Final approval will be provided in electronic copy format.

RESOLUTION NO. 2012-184

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
LODI POLICE DEPARTMENT TO PARTICIPATE IN A SELECTIVE
TRAFFIC ENFORCEMENT PROGRAM GRANT FUNDED BY THE
OFFICE OF TRAFFIC SAFETY AND APPROPRIATING FUNDS

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WHEREAS, the State of California Office of Traffic Safety statistics show the State of California has a significant problem with distracted driving related fatal and injury collisions; and

WHEREAS, the Lodi Police Department is eligible to receive a \$18,326 grant from the Office of Traffic Safety to develop and implement a comprehensive traffic safety enforcement program to reduce fatal and injury collisions where the primary collision factors are talking and texting while driving violations; and

WHEREAS, this comprehensive traffic safety enforcement program will also work to develop and implement a comprehensive traffic safety enforcement program to reduce fatal and injury collisions where the primary collision factor is talking and texting while driving; and

WHEREAS, the Lodi Police Department will deploy existing officers on three two-week mobilization periods conducting high-visibility enforcement targeting drivers who use a hand-held cell phone or text while driving, as well as general traffic safety enforcement during the grant period.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize City of Lodi participation in a Traffic Initiative Grant Agreement between the State of California Office of Traffic Safety and the Lodi Police Department, thereby accepting and appropriating awarded funding in the amount of \$18,326 to the City to enhance traffic enforcement and education and purchase related materials.

Dated: November 21, 2012

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I hereby certify that Resolution No. 2012-184 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 21, 2012, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi, and
Mayor Mounce

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk